

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHAMEEKIA ALLEN,

Plaintiff,

-against-

UNITED CEREBRAL PALSY OF
NEW YORK CITY, INC.
and LOUELLA PURKETT,

Defendants.

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11 CV 8057 (CM)(KNF) (S.D.N.Y.)

**PLAINTIFF'S PROPOSED
VERDICT FORM**

Plaintiff Shameekia Allen, by and through her attorneys, The Harman Firm, PC, hereby proposes the following questions for the jury verdict sheet.

I. QUESTIONS REGARDING DISCRIMINATION

A. Discrimination Based on Race under Title VII and the NYCHRL

Question 1: Has Plaintiff shown by a preponderance of evidence that Plaintiff is in a protected class?

Answer: _____ ["Yes" or "No"]

Question 2: Has Plaintiff shown by a preponderance of the evidence that she was qualified to hold her employment position?

Answer: _____ ["Yes" or "No"]

Question 3: Has Plaintiff shown by a preponderance of the evidence that she suffered an adverse employment action?

Answer: _____ [“Yes” or “No”]

Question 4: If you answered “Yes” to the previous question, has Plaintiff shown by a preponderance of the evidence that the adverse employment action Plaintiff suffered gives rise to an inference of unlawful discrimination?

Answer: _____ [“Yes” or “No”]

Question 5: Has Plaintiff shown by a preponderance of evidence that she was subjected to discrimination in the workplace because of race?

Answer: _____ [“Yes” or “No”]

Question 6: Has Plaintiff shown by a preponderance of evidence that Plaintiff informed Defendants of the discrimination based on race?

Answer: _____ [“Yes” or “No”]

Question 7: Has Plaintiff shown by a preponderance of evidence that she faced an adverse employment action because she complained about discrimination based on her race?

Answer: _____ [“Yes” or “No”]

Question 8: Has Plaintiff shown by a preponderance of evidence that she was terminated from her position, at least in part, because of discrimination based on race?

Answer: _____ [“Yes” or “No”]

II. QUESTIONS REGARDING THE HOSTILE WORK ENVIRONMENT

A. Hostile Work Environment under Title VII

Question 9: Has Plaintiff shown by a preponderance of evidence that Plaintiff's workplace was permeated with discrimination based on race that was severe or pervasive enough to alter the conditions of her work environment?

Answer: _____ ["Yes" or "No"]

B. Hostile Work Environment under the New York City Human Rights Law

Question 10: Has Plaintiff shown by a preponderance of evidence that Plaintiff has faced race discrimination in the workplace based on her race that altered the conditions of her work environment?

Answer: _____ ["Yes" or "No"]

III. QUESTIONS REGARDING RETALIATION

A. Retaliation under Title VII

Question 11: Has Plaintiff shown by a preponderance of evidence that Plaintiff told Defendants that she suffered discrimination due to her race?

Answer: _____ [“Yes” or “No”]

Question 12: Has Plaintiff shown by a preponderance of evidence that when Defendants learned of Plaintiff’s complaints of discrimination they took adverse actions against Plaintiff?

Answer: _____ [“Yes” or “No”]

Question 13: Has Plaintiff shown by a preponderance of evidence that there is a causal connection between Plaintiff informing Defendants of the discrimination in the workplace and the adverse actions taken against Plaintiff?

Answer: _____ [“Yes” or “No”]

B. Retaliation under NYCHRL

Question 14: Has Plaintiff shown by a preponderance of evidence that Plaintiff told Defendants that she was being discriminated against due to her race?

Answer: _____ [“Yes” or “No”]

Question 15: Has Plaintiff shown by a preponderance of evidence that when Defendants learned of Plaintiff’s complaints of discrimination they took adverse actions against Plaintiff?

Answer: _____ [“Yes” or “No”]

Question 16: Has Plaintiff shown by a preponderance of evidence that there is a causal connection between Plaintiff informing Defendants of the harassment in the workplace and the adverse actions taken against Plaintiff?

Answer: _____ [“Yes” or “No”]

IV. QUESTIONS REGARDING LIABILITY

A. Discrimination

Question 17: Has Plaintiff shown by a preponderance of evidence that the company Defendant should be responsible for the discriminatory actions of individual Defendant Louella Purkett?

Answer: _____ [“Yes” or “No”]

B. Hostile Work Environment

Question 18: Has Plaintiff shown by a preponderance of evidence that the company Defendant should be responsible for the hostile work environment created by individual Defendant Louella Purkett?

Answer: _____ [“Yes” or “No”]

C. Retaliation

Question 19: Has Plaintiff shown by a preponderance of evidence that the company Defendant should be responsible for the retaliatory actions of individual Defendant Louella Purkett?

Answer: _____ [“Yes” or “No”]

Question 20: Has Plaintiff shown by a preponderance of evidence that the company Defendant should be responsible for the retaliatory actions of individual Defendant Louella Purkett?

Answer: _____ [“Yes” or “No”]

Question 21: Has Plaintiff shown by a preponderance of evidence that the company Defendant should be responsible for the illegal retaliatory termination of Plaintiff’s employment?

Answer: _____ [“Yes” or “No”]

V. QUESTIONS REGARDING DAMAGES

A. Economic Damages

Question 22: Has Plaintiff shown by a preponderance of evidence that Plaintiff suffered economic damages as a direct result of the illegal retaliatory termination of Plaintiff’s employment?

Answer: _____ [“Yes” or “No”]

Question 23: If your answer to the previous question is “Yes,” how much economic loss was suffered by Plaintiff because of the illegal termination?

Answer: _____

Question 24: Has Plaintiff shown by a preponderance of evidence that Plaintiff suffered economic damages as a direct result of the illegal retaliatory termination of Plaintiff's employment and is entitled to front pay?

Answer: _____ ["Yes" or "No"]

Question 25: If your answer to the previous question is "Yes," how much economic loss was suffered by Plaintiff because of the illegal termination?

Answer: _____

B. Non-Economic Damages

Question 26: Has Plaintiff shown by a preponderance of evidence that Plaintiff suffered emotional injuries which arose from the discrimination she faced in the workplace?

Answer: _____ ["Yes" or "No"]

Question 27: If you answered "Yes" to the previous question, how much should Plaintiff be awarded for her emotional injuries?

Answer: _____

Question 28: Has Plaintiff shown by a preponderance of evidence that Plaintiff suffered emotional injuries which arose from the hostile work environment she faced in the workplace?

Answer: _____ ["Yes" or "No"]

Question 29: If you responded "Yes" to the previous question, how much economic loss was suffered by Plaintiff because of the hostile work environment?

Answer: _____

Question 30: Has Plaintiff shown by a preponderance of evidence that Plaintiff suffered emotional injuries which arose from the illegal retaliatory termination of her employment?

Answer: _____ [“Yes” or “No”]

Question 31: If you answered “Yes” to the previous question, how much should Plaintiff be awarded for her emotional injuries?

Answer: _____

C. Punitive Damages

Question 32: Has Plaintiff shown by a preponderance of evidence that Defendants acted intentionally towards her?

Answer: _____ [“Yes” or “No”]

Question 33: If you responded “Yes” to the previous question, how much should Plaintiff be awarded in punitive damages for Defendants’ intentional conduct.

Answer: _____ [“Yes” or “No”]

Dated: New York, New York
November 12, 2012

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